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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,588	10/19/2005	Otto Weis	WESI, O - 2 PCT	1884

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EXAMINER	
ADAMS, GREGORY W	

ART UNIT	PAPER NUMBER
3652	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/550,588	WEIS, OTTO	
	Examiner	Art Unit	
	GREGORY W. ADAMS	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 January 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

Claims 2, 4-8, 10-11 & 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Han et al. (WO 00/48937) (previously cited) in view of Mordaunt et al. (US 4,750,429) (previously cited).

Han et al. disclose-

- upper 78 and lower 70 trolley booms extending substantially parallel to each other having a lifting system 66;
- trolleys 80 for traveling on trolley booms, each trolley having a driving device for supporting a trolley on or beside trolley tracks and enabling a trolley to pass from a lower trolley track to an upper trolley track and vice versa such that when at least one of a plurality of trolleys moves from lower trolley tracks to upper trolley tracks at least one trolley is positioned beside upper trolley tracks, and wherein a trolley moves from upper trolley tracks to lower trolley tracks, a trolley is positioned beside lower trolley tracks.

Mordaunt et al. disclose:

- telescoping cylinders 34;

- a respective deployable power supply (C5/L60) is disposed on each trolley on contact lines along the trolley tracks;
- support surfaces 44, 45 for an integrated lifting system are disposed next to tracks; and
- a plurality of storage units.
- upper 24 and lower 19 trolley tracks extending substantially parallel to each other;
- trolleys for traveling on trolley tracks, each trolley having laterally deployable 31 and retractable running wheels, a driving device 30, and an integrated lifting system 34 for supporting a trolley beside trolley tracks and enabling a trolley to pass from a lower trolley track to an upper trolley track and vice versa such that when at least one of a plurality of trolleys moves from lower trolley tracks to upper trolley tracks at least one trolley is positioned beside upper trolley tracks, and wherein a trolley moves from upper trolley tracks to lower trolley tracks, a trolley is positioned beside lower trolley tracks; and
- wherein an integrated lifting system is vertically orientated telescoping cylinders 34 (FIG. 6).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Han et al. in view of Mordaunt et al. and further in view of Brower (US 4,897,011) (previously cited).

With respect to claim 3, Han et al. discloses a lifting system 66 and does not disclose a rack with gear wheel. Brower teaches that a rack with gear wheel is a known

alternative to hydraulic hoists given the cost of the latter. C1/L5-20. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the lifting system of Han et al. to include a rack with gear wheel, as per the teachings of Brower, as gear racks are a well known alternative to hydraulics.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over of Han et al. in view of Mordaunt et al. and further in view of Pardes (US 6,263,799) (previously cited).

With respect to claim 9, Han et al. does not disclose radio control. Pardes discloses that radio control of vehicles is well known (C8/L67) which is a reliable means for performing repetitive tasks, i.e. several thousand times per day, at rapid rates. C1/L65. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Han et al. to include radio control, as per the teachings of Pardes, to increase the rate repetitive tasks are performed. which is capable of vehicle control during high task repetition.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over of Han et al. in view of Mordaunt et al. and further in view of Voss (US 3,926,126).

With respect to claim 12, Han et al. does not disclose laterally deployable and retractable running wheels that extend laterally in an axial and horizontal manner. Voss discloses laterally deployable and retractable running wheels 50, 51 that extend laterally in an axial and horizontal manner (C4/L49-69) which allows diversion of a vehicle between a main line to a spur, or branch line without a change in track configuration and without movement of any track structure while providing derailment free "fail-safe"

diversion points. C1/L43-55. Moreover, Voss discloses track, e.g. rail, supported vehicles that handle either goods or pedestrians. Since Han et al. is directed to handling goods containers a skilled artisan would look to Voss' solutions in track supported vehicles when switching trolleys between adjacent tracks such as those disclosed in Han et al. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Han et al. to include laterally deployable and retractable running wheels extend laterally in an axial and horizontal manner, as per the teachings of Voss, to divert trolleys on tracks without track alteration while preventing derailment.

Response to Arguments

Applicant's arguments with respect to claims 2-11 have been considered but are moot in view of the new ground(s) of rejection. New claims 12 & 13 have been addressed on the merits above.

With respect to "lifting to an entirely different level" Han et al. disclose lifting and circulating trolleys 80 via lifting mechanism 66 as now recited in claim 11. Mordaunt also discloses that the when moving between upper and lower rails "hydraulic or electric actuators 39 are then operated to swing the arms 37 downwardly to bring the wheels 38 into engagement with the rails 40. Once the wheels 38 have engaged the rails 40, continued swinging movement of the arms 37 will cause the vehicle to be **lifted** slightly and this relieves the lower wheels 28 of the weight of the vehicle." C6/L25-35. (Emphasis added.)

With respect to claim 11, lines 10-16 beside is defined as "near". (www.dictionary.com). Moreover, it is a relative term such that without a frame of reference objects that are at least within the same apparatus are certainly near either other. Thus, Han's rails 70, 78 are certainly beside each other such that a trolley 80 passing from one to the other is always near both rails.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY W. ADAMS whose telephone number is (571)272-8101. The examiner can normally be reached on M-Th, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on (571) 272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory W Adams/
Patent Examiner, Art Unit 3652
2/5/2008